IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

Crl. Rev. Pet. No. 4578 of 2006

CRA.871/2004 of ADDL. DISTRICT & SESSIONS COURT
FAST TRACK (ADHOC- I), KOZHIKODE
ST. 2317/2003 of JUDL.MAGISTRATE OF FIRST CLASS, VADAKARA
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REVN. PETITIONER/ APPELLANT/ACCUSED

K. VASU, S/O. KELAPPAN,
KUNNUMMAL HOUSE, EDACHERY NORTH POST,
ORKATTERY.

BY ADV. SRI. P. NARAYANAN

RESPONDENTS:
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1. **C. K. BHASKARAN, S/O. KELU NAIR,**
   CHATTOTUKUNIYIL HOUSE,
   KURINHALIYODU POST,
   VILLYAPPALLY, VATAKARA.

2. **STATE OF KERALA REP. BY PUBLIC**
   PROSECUTOR, HIGH COURT OF KERALA.

   BY PUBLIC PROSECUTOR SRI. C. K. SURESH
   BY ADV. SRI. MOHANAN V.T.K.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.
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Crl.R.P. No.4578 of 2006
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Dated this 21st day of December, 2006.

ORDER

Admitted. R1 enters appearance through counsel. Public Prosecutor takes notice for R2.

2. Revision Petitioner is the accused in S.T. 2317/2003 on the file of the Judicial First Class Magistrate Court, Vadakara. First respondent is the complainant therein. Revision petitioner was found guilty of the offence punishable under section 138 of the Negotiable Instruments Act and was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of 9 months and also to pay a compensation of Rs.1,25,000/- to the complainant under section 357(3) of Cr.P.C. In appeal filed by him, the conviction was confirmed but sentence was modified by the Additional Sessions Court. This revision arises from the said conviction and sentence.

3. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.13304/2006 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount involved is also paid by the petitioner to the first respondent. On hearing both sides and on

going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No. 13304/2006 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**